

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)	CASE NO. 8:06CR365
)	
Plaintiff,)	
)	
vs.)	MEMORANDUM
)	AND ORDER
)	
NICOLE LA FOE,)	
)	
Defendant.)	

This matter is before the Court on the Report and Recommendation (Filing No. 23) issued by Magistrate Judge Thomas D. Thalken recommending that the Defendant's motion to suppress (Filing No. 14) be granted. No objections have been filed to the Report and Recommendation as allowed by 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3(a).

The Defendant seeks an order suppressing pre-*Miranda* statements made after she was placed in custody on August 25, 2006, arguing that she was not given her *Miranda* rights prior to being incriminated at the scene of the traffic stop. Judge Thalken determined that at the scene the Defendant was in custody while she was interrogated and, therefore, her statements must be suppressed. The Court notes that after the Defendant was *Mirandized* at the police station she declined to make a statement.

Notwithstanding the absence of objections, pursuant to 28 U.S.C. § 636(b)(1)(C) and NECrimR 57.3, the Court has conducted a de novo review of the record. The Court has read the parties' briefs (Filing Nos. 15, 17) and the transcript (Filing No. 25). The Court has also viewed the evidence. (Filing No. 21.) Because Judge Thalken fully, carefully, and correctly applied the law to the facts, the Court adopts the Report and Recommendation in its entirety.

IT IS ORDERED:

1. The Magistrate Judge's Report and Recommendation (Filing No. 23) is adopted in its entirety; and
2. The Defendant's motion to suppress (Filing No. 14) is granted.

DATED this 14th day of February, 2007.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge